

103^D CONGRESS
2^D SESSION

H. R. 5146

To amend the Occupational Safety and Health Act of 1970.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 1994

Mr. HEFLEY introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To amend the Occupational Safety and Health Act of 1970.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “OSHA Reform Act of 1994”.

6 (b) **REFERENCE.**—Whenever in this Act an amend-
7 ment or repeal is expressed in terms of an amendment
8 to, or repeal of, a section or other provision, the reference
9 shall be considered to be made to a section or other provi-
10 sion of the Occupational Safety and Health Act of 1970.

1 **SEC. 2. REPEALS.**

2 Sections 8, 9, 10, 11, 12, and 17 (29 U.S.C. 657,
3 658, 659, 660, 666) are repealed.

4 **SEC. 3. OCCUPATIONAL SAFETY AND HEALTH STANDARDS.**

5 (a) STANDARD BASIS.—Paragraph (5) of section 6(b)
6 (29 U.S.C. 655(b)) is amended to read as follows:

7 “(5) The development of standards under this
8 section shall be based upon the latest scientific data
9 in the field and on such research, demonstrations,
10 experiments, and other information as may be ap-
11 propriate. In establishing such standards, the Sec-
12 retary shall consider and make findings concerning
13 the appropriateness of the standard to the following
14 factors:

15 “(A) The standard is needed to address a
16 significant risk of material impairment to work-
17 ers and will substantially reduce that risk.

18 “(B) The standard is feasible.

19 “(C) There is a reasonable relationship be-
20 tween the costs and benefits of the standard.

21 “(D) The standard will provide protection
22 to employees in the most cost-effective manner
23 to minimize employment loss due to the stand-
24 ard in the affected industries.

1 “(E) Whenever practicable, the standard
2 shall be expressed in terms of objective criteria
3 and of the performance desired.”.

4 (b) TOXIC MATERIALS OR HARMFUL PHYSICAL
5 AGENTS.—The second sentence of section 6(g) (29 U.S.C.
6 655(g)) is amended to read as follows: “In determining
7 the priority for establishing standards dealing with toxic
8 materials or harmful physical agents, the Secretary shall
9 consider the number of workers exposed to the material
10 or agent, the nature and severity of the potential impair-
11 ment, and the likelihood of such impairment.”.

12 **SEC. 4. NEW PROVISIONS.**

13 (a) EMPLOYEE PARTICIPATION.—The Act is amend-
14 ed by adding at the end the following:

15 “EMPLOYEE PARTICIPATION

16 “SEC. 33. In order to carry out the purposes of this
17 Act to encourage employers and employees in their efforts
18 to reduce the number of occupational safety and health
19 hazards, an employee participation committee or other
20 mechanism—

21 “(1) in which employees participate,

22 “(2) which exists for the purpose, in whole or
23 in part, of dealing with employees concerning the
24 safety or health of working conditions or related
25 matters, and

1 “(3) which does not have, claim, or seek author-
2 ity to negotiate or enter into collective bargaining
3 agreements with an employer or to amend existing
4 collective bargaining agreements between and em-
5 ployer and any labor organization,
6 shall not constitute a ‘labor organization’ for purposes of
7 section 8(a)(2) of the National Labor Relations Act or a
8 representative for purposes of sections 1 and 2 of the Rail-
9 way Labor Act.

10 (b) SMALL BUSINESS ASSISTANCE AND TRAINING.—
11 The Act, as amended by subsection (a), is amended by
12 adding after section 33 the following:

13 “SMALL BUSINESS ASSISTANCE AND TRAINING
14 “SEC. 34. (a) The Secretary shall establish and im-
15 plement a program to provide technical assistance and
16 consultative services for employers and employees, either
17 directly or by grant or contract, concerning worksite safety
18 and health and compliance with this Act. Such assistance
19 shall be targeted at small employers and the most hazard-
20 ous industries.

21 “(b) This subsection authorizes the consultative serv-
22 ices to employers provided under cooperative agreements
23 between the States and the Occupational Safety and
24 Health Administration and described in part 1908 of title
25 39 of the Code of Federal Regulations.

1 “(c) Not less than one-fourth of the annual appro-
2 priation made to the Secretary to carry out this Act shall
3 be expended for the purposes described in this section.”.

4 (c) VOLUNTARY PROTECTION PROGRAM AWARD.—
5 The Act, as amended by subsection (b), is amended by
6 adding after section 34 the following:

7 “VOLUNTARY PROTECTION PROGRAM AWARD

8 “SEC. 35. (a) The Secretary shall establish an award
9 which shall periodically be made to companies and other
10 organizations which have implemented particularly effec-
11 tive approaches to addressing occupational safety and
12 health in the workplace, including those which provide for
13 effective employee involvement in improving safety and
14 health and which are as a consequence deserving of special
15 recognition.

16 “(b) A company or organization to which an award
17 is made under subsection (a) and which agrees to help
18 other American companies or organizations improve their
19 occupational safety and health may publicize its receipt
20 of such award and use the award in its advertising, but
21 it shall be ineligible to receive another such award in the
22 same category for a period of 5 years.

23 “(c)(1) Subject to paragraph (2), separate awards
24 shall be made to qualifying organizations and companies
25 in each of the following categories—

26 “(A) Small businesses.

1 “(B) Other companies or their subsidi-
2 aries.

3 “(C) Companies which primarily perform
4 construction work.

5 “(2) CHANGE IN LIST.—The Secretary may at
6 any time expand, subdivide, or otherwise modify the
7 list of categories within which awards may be made
8 as initially in effect under paragraph (1) and may
9 establish separate awards for other organizations
10 and companies including units of government, upon
11 a determination that the objectives of this section
12 would be better served thereby; except that any such
13 expansion, subdivision, modification, or establish-
14 ment shall not be effective unless and until the Sec-
15 retary has submitted a detailed description thereof
16 to the Congress and a period of 30 days has elapsed
17 since that submission.

18 “(3) Not more than 2 awards may be made
19 within any subcategory in any year (and no award
20 shall be made within any category or subcategory if
21 there are no qualifying enterprises in that category
22 or subcategory).

23 “(d) An organization or company may qualify for an
24 award under subsection (a) only if it—

1 “(1) applies to the Secretary in writing, for the
2 award,

3 “(2) permits a rigorous evaluation of its occu-
4 pational safety and health operations, and

5 “(3) meets such requirements and specifications
6 as the Secretary determines to be appropriate to
7 achieve the objectives of this section.

8 In applying paragraph (3) with respect to any organiza-
9 tion or company, the Secretary shall rely upon an intensive
10 evaluation of the occupational safety and health operation.

11 The examination should encompass all aspects of the orga-
12 nization’s or company’s current occupational safety and
13 health practice. The award shall be given only to organiza-
14 tions and companies which have made outstanding im-
15 provements in their occupational safety and health prac-
16 tices and which demonstrate effective occupational safety
17 and health practices through the training and involvement
18 of all levels of personnel.

19 “(e) The Secretary shall ensure that all program par-
20 ticipants receive the complete results of their audits as
21 well as detailed explanations of all suggestions for im-
22 provements. The Secretary shall also provide information
23 about the awards and the successful quality improvement
24 strategies and programs of the award-winning participants
25 to all participants and other appropriate groups.

1 “(f) The Secretary is authorized to seek and accept
2 gifts from public and private sources to carry out the pro-
3 gram under this section. If additional sums are needed
4 to cover the full cost of the program, the Secretary shall
5 impose fees upon the organizations and companies apply-
6 ing for the award in amounts sufficient to provide such
7 additional sums.

8 “(g) The Secretary shall prepare and submit to the
9 President and the Congress, within 3 years after the date
10 of the enactment of this section, a report on the progress,
11 findings, and conclusions of activities conducted pursuant
12 to this section along with recommendations for possible
13 modifications thereof.”.

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